

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D U 8 JUL 2005

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Applicant's or agent's file reference PWO051567		<b>FOR FURTHER ACTION</b>		See Form PCT/PEA416
International application No. PCT/US2004/018513		International filing date (day/month/year) 10.06.2004	Priority date (day/month/year) 10.06.2003	
International Patent Classification (IPC) or national classification and IPC B65D75/34, B65D75/36, A61J1/03				
Applicant MEADWESTVACO CORPORATION et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of      sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of      sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))      , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I      Basis of the opinion</p> <p><input type="checkbox"/> Box No. II      Priority</p> <p><input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV      Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI      Certain documents cited</p> <p><input type="checkbox"/> Box No. VII      Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII      Certain observations on the international application</p>				
Date of submission of the demand  07.04.2005		Date of completion of this report  07.07.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Fitterer, J Telephone No. +49 89 2399-		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/018513

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-8 as originally filed

**Claims, Numbers**

1-33 as originally filed

**Drawings, Sheets**

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	3,4,10,18-21,26,27,29,30
	No: Claims	1,2,5-9,11-17,22-25,28,31-33
Inventive step (IS)	Yes: Claims	
	No: Claims	1-33
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

**see separate sheet**

The following documents are referred to in this communication:

D1 : US 2002/162768 A1 (BOLNICK RICHARD S ET AL) 7 Nov 2002 (2002-11-07)  
D2: US-A-5 242 055 (PORA RAYMOND I) 7 Sept 1993 (1993-09-07)

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1 INDEPENDENT CLAIMS**

Independent claims 1, 6, 25, 28 do not meet the criteria of Article 33(1) PCT, because their subject-matter is not new in the sense of Article 33(2) PCT.

- 1.1 Document D1 discloses (cf. paragraphs [0037] - [0039]; figure 14-16) an apparatus comprising at least one aperture panel (73) with at least one aperture (74); at least one blister tray (65) at least some portion of said tray protruding through said aperture panel (73); at least one gate panel (60) secured to said aperture panel (73) with at least one gate (63) that is substantially dimensioned and aligned with said aperture (74) so that said gate (63) is substantially aligned with said aperture (74) when said gate panel (60) is in contact with said aperture panel (73); at least one tab panel (55) secured to said aperture panel (73) with at least one substantially detachable tab (58) that is substantially dimensioned and aligned with said gate (63) so that said tab (58) is substantially aligned with said gate (63) when said tab panel (55) is in contact with said gate panel (60).

All features of claim 1 are therefore disclosed in combination in D1.

- 1.2 Document D1 discloses (cf. paragraphs [0037] - [0039]; figure 14-16) a blister package apparatus for holding a product comprising at least one blister (66) for holding a product (69); an aperture panel (73) with at least one aperture (74) receiving the at least one blister (66); a gate panel (60) leaving at least one gate (63) aligned with heat least one blister (66) opposite the at least one aperture (74) for providing access to the product (69) through the at least one gate (63); a tab

panel (55) having at least one tab (58) aligned with the at least one gate (63) for providing access to the at least one gate (63) upon moving the tab (58).

All features of claim 6 are therefore disclosed in combination in D1.

- 1.3 Document D1 discloses (cf. paragraphs [0037] - [0039]; figure 14-16) a package blank apparatus comprising an aperture panel (73) with plural apertures (74) for receiving blisters (66) with products (69) on a blister tray (65); a gate panel (60) having plural gates (63) for aligning with the blisters (66) opposite the apertures (74); a tab panel (55) having plural tabs (58) for aligning with the gates (63); wherein the tabs (58) are removable for exposing the gates (63) and for permitting removing of products (69) from the blister (66) through the gates (63).

All features of claim 25 are therefore disclosed in combination in D1.

- 1.4 Document D1 discloses (cf. paragraphs [0037] - [0039]; figure 14-16) a child resistant packaging method comprising providing an aperture panel (73) having at least one aperture (74); providing a gate panel (60) having at least one gate (63); providing a tab panel (55) having at least one tab (58); providing a blister tray (65) having at least one blister (66); providing a product (69) in the at least one blister (66); providing a backing (70) on the blister tray (65) holding the product (69) in the at least one blister (66); extending the at least one blister (66) through the at least one aperture (74); aligning the at least one gate (63) with the at least one blister (66) opposite the at least one aperture (74); covering the at least one gate (63) with the at least one tab (58); securing the blister tray (65) between the aperture panel (73) and the tab panel (55).

All features of claim 28 are therefore disclosed in combination in D1.

## 2 DEPENDENT CLAIMS

Dependent claims 2-5, 7-24, 26, 27, 29-33 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), because the additional features are either known from prior art documents (claims 2, 5, 7-9, 11-18, 22-24, 31-33: see D1; claims 3, 4: see D2, figure 4-6) or they are merely related to normal design options.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

**PCT/US2004/018513**

**Re Item VI**

**Certain documents cited**

**Certain published documents**

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( <i>valid claim</i> ) (day/month/year)
US2003/213721A1	20/11/2003	13/11/2002	14/05/2002